

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT DEREK LURCH,

Plaintiff,

-against-

JOHN DOE OFFICERS that had Plaintiff in
their custody and arrested Plaintiff during May 9,
2021 incident; M.D. who ordered medication;
NURSE who administered it,

Defendants.

22-CV-2324 (VSB)

ORDER OF SERVICE

VERNON S. BRODERICK, United States District Judge:

Plaintiff, currently incarcerated at Atlantic County Justice Facility, brings this *pro se* action under 42 U.S.C. § 1983. The complaint can be construed as asserting claims, arising on May 9, 2021, for false arrest, forcible medication, and deliberate indifference to Plaintiff's serious medical needs.¹ By order dated May 10, 2022, the Court granted Plaintiff's request to proceed *in forma pauperis* (IFP), that is, without prepayment of fees.²

DISCUSSION

Under *Valentin v. Dinkins*, a *pro se* litigant is entitled to assistance from the district court in identifying a defendant. 121 F.3d 72, 76 (2d Cir. 1997). In the complaint, Plaintiff supplies sufficient information to permit the New York City Law Department to identify (1) the John Doe police officers who detained Plaintiff in Times Square on May 9, 2021, and brought him to

¹ On May 16, 2021, Chief Judge Swain severed Plaintiff's claims arising between August 15, 2021, and October 15, 2021, in connection with an incident at the Millennium Hotel and directed that the claims against Defendants "John Doe Officers who arrested Plaintiff during second incident" be opened as a separate action under docket number 22-CV-4055.

² Prisoners are not exempt from paying the full filing fee even when they have been granted permission to proceed IFP. *See* 28 U.S.C. § 1915(b)(1).

Bellevue Hospital; (2) the John Doe doctor who authorized Plaintiff's forcible medication with Haldol on May 9, 2021 (sued as "M.D. who ordered medication"); and (3) the unidentified nurse who on May 9, 2021, administered Haldol to Plaintiff. The New York City Law Department is the attorney for and agent of both the New York City Police Department (NYPD) and the New York City Health and Hospitals Corporation (H + H), which operates Bellevue Hospital. It is therefore ordered that the New York City Law Department must ascertain the identity of each John or Jane Doe whom Plaintiff seeks to sue here and the address where each defendant may be served. The New York City Law Department must provide this information to Plaintiff and the Court within sixty days of the date of this order.

Within thirty days after receiving this information, Plaintiff must file an amended complaint with the real names of the John Doe defendants. The amended complaint will replace, not supplement, the original complaint. An amended complaint form for Plaintiff to complete is attached to this order. Once Plaintiff has filed an amended complaint, the Court will screen the amended complaint and, if necessary, issue an order directing the Clerk of Court to complete the USM-285 forms with the addresses for the named defendants and deliver to the U.S. Marshals Service all documents necessary to effect service.

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

CONCLUSION

The Clerk of Court is directed to mail an information package to Plaintiff.

The Clerk of Court is further directed to mail a copy of this order and the complaint to the New York City Law Department at: 100 Church Street, New York, New York 10007. An “Amended Complaint” form is attached to this order.

SO ORDERED.

Dated: May 19, 2022
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick", written over a horizontal line.

VERNON S. BRODERICK
United States District Judge